

**NORTHERN MARIANAS COLLEGE
ADMINISTRATIVE PROCEDURE**

HUMAN RESOURCES

4074

Sexual Harassment

The College is committed to providing an environment of study and work free from sexual harassment and to ensuring the accessibility of appropriate grievance procedures for addressing all complaints regarding sexual harassment.

The grievance procedure embodied herein shall be available to any person who, at the time of the acts alleged, was employed by (including part-time and independent contractors) or was enrolled as a student at Northern Marianas College. The use of these grievance procedures will not constitute a waiver by the complainant or respondent of any other legal rights he/she may have.

A. Reporting an Incident

Although it is not necessary, a person wishing to file a complaint may see a counselor and/or a member of the NMC Sexual Harassment Network to assess grounds for filing a sexual harassment complaint. The NMC Sexual Harassment Network is comprised of members of the College Community who have undergone training in topics related to sexual harassment and advocacy.

B. Filing a Complaint

1. Persons who have a complaint alleging sexual harassment are encouraged to raise their complaint through the appropriate channels. Persons empowered to receive initial complaints through appropriate channels shall include members of the NMC Sexual Harassment Network. The recipient of the initial complaint can act as the Advocate for the Complainant through the formal filing process.

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**PLAINTIFF'S
EXHIBIT****7**

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2. In order for action to be taken concerning a complaint of alleged sexual harassment, the complaint must be filed in writing and signed by the Complainant. The recipient of the initial complaint can act as the Advocate for the Complainant through the formal filing process.

The name(s) of the person charged, the date(s) of the incident(s), the nature of the charge, a description of what occurred, and the names of witnesses to the incident should be included in the complaint. The complaint must be filed within ninety (90) days after the occurrence of the alleged act of sexual harassment.

3. Following the filing of a complaint, the President will call a meeting with the Complainant and the Respondent and/or their advocates. The meeting will take place within five (5) working days, if practicable, from the time the President receives the written formal complaint. The Complainant has the choice of whether he/she will attend the initial meeting with President.

C. Processing the Complaint

The outcome of the meeting may result in one of the following courses of action:

1. If the person charged admits to the charges, the President shall impose institutional sanctions (remedies). Upon imposing sanctions against the Respondent, the President shall notify the Complainant of the sanctions imposed, within three (3) working days. If the Complainant is not satisfied with the sanctions imposed by the President, the Complainant may request in writing, within fifteen (15) working days after receiving notice of the President's sanctions, that a

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2. If the Respondent denies the charge or refuses to attend the meeting, the Complainant will be so notified. If either the Respondent or the Complainant refuse to accept the sanction imposed by the President, a formal hearing may be requested.

Either the Complainant or the Respondent may request in writing, within fifteen (15) working days of the meeting between the Respondent and the President, that a formal hearing be held.

- a. If no request is filed by either party, the case is considered closed. The record shall be sealed and retained for safekeeping by the President. Retained records of prior sexual harassment complaints handled by the President shall be part of the record in subsequent proceedings against the same Respondent.
- b. If a Request is filed, the Chairperson of the Hearing Committee on Sexual Harassment shall set a time and place for the hearing, which shall take place within thirty (30) working days of the request. The Chairperson shall inform the Complainant and Respondent.

D. Formal Hearing

1. Hearing Committee on Sexual Harassment.

The hearing on Sexual Harassment will be composed of the following persons:

- a. Two faculty members appointed by the Faculty Senate.

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- b. Two classified staff members appointed by the President, and
- c. One student appointed by the Student Council.

Except for the annual student appointment, appointments will be made every two years and will be staggered. First-year appointments shall be as follows:

- a. Faculty: one two-year, and one one-year terms;
- b. Classified staff: one two-year and one one-year terms;
- c. Student: one one-year term.

Vacancies will be filled by appointment for the remainder of the term.

Committee members shall select a Chairperson at a first meeting, which shall be held during each fall term. for purposes of a hearing, both the Complainant and Respondent have the right to request that the Chairperson of the Committee disqualify one member of the Committee upon a showing of cause. In addition, any Committee member may disqualify himself/herself if he/she feels that a conflict of interest exists.

2. Hearing Procedure.

- a. Both parties have the right to legal counsel, may call witnesses to testify and may cross-examine witnesses called by the other party. The formal proceeding shall be closed to the public unless both the Complainant and Respondent agree otherwise. A written record of the proceedings shall be maintained.

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- b. In arriving at a determination of the existence of sexual harassment at any stage of the proceedings, the Committee shall consider the evidence as a whole and the totality of the circumstances and the context in which the alleged incident(s) occurred. The determination of the existence of sexual harassment will be made from the facts on a case-by-case basis.
- c. At the formal stage, the Hearing Committee may take into consideration any prior formal findings of sexual harassment or any disposition in the form of a plea resulting in an admission of guilt. However, allegations that were dismissed for lack of cause at the initial or informal stage without appeal, or which resulted in a finding of no sexual harassment, shall not be taken into consideration.
- d. In the event that the matter is resolved in the satisfaction of both parties prior to completion of the formal proceedings of the hearing Committee, a written statement shall indicate that agreement is reached by the parties and by the Chairperson of the Hearing Committee. The case shall then be closed and the sealed record transmitted to the President.

3. Sanctions.

- a. The sexual harassment grievance procedures contained herein are preliminary to any formal disciplinary sanction the President may determine are warranted upon a finding of sexual harassment. appropriate disciplinary action, based upon findings, may include any or all of the following:

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- i. a letter of reprimand in the harasser's personnel file;

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- ii. insisting upon human relations counseling for the harasser;
 - iii. withholding all of an annual salary increment for the harasser;
 - iv. putting the harasser on employment probation;
 - v. terminating the harasser's employment at Northern Marianas College;
 - vi. other appropriate disciplinary action.
- b. With ten (10) working days of receipt of the Hearing Committee's findings and recommendations, the President shall inform the Complainant and the Respondent of the hearing Committee's findings and the President's decision regarding the sexual harassment complaint. A copy of the President shall state in writing the reasons for such rejection.
- c. Upon conclusion of a case, all records shall be transmitted to the Office of the President.
- d. Upon a clear showing at any stage in the grievance procedure that immediate harm to either party is threatened by the continued performance of either party's regular duties or College responsibilities, the President may suspend or reassign said duties or responsibilities pending the completion of the grievance procedure.

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4. Appeal

Following the decision of the Hearing Committee and formal disciplinary sanction, if any is imposed, either the Complainant or the Respondent may request a review of the case by the Board of Regents. This request must be formally written and presented to the Chairperson of the Board. The Chairperson of the Board of Regents will set a hearing date. The review will include a study of the findings and recommendations of the Hearing Committee and recommendations from the President.

This review will provide the Complainant and Respondent the opportunity for legal representation and oral argument. The hearing will be open. The Board of Regents may return the case to the Hearing Committee for additional information. The decision of the Board of Regents shall be final.

5. Destruction of Records

Upon termination of a five-year period without additional complaint, all records maintained by the Office of the President regarding the Complaint shall be destroyed and no records are to be maintained that would indicate that there had ever been such a record.

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6. Confidentiality of Proceedings & Records

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The disclosure of information obtained during the investigation of any complaint by the President or by any member of the Committee on Sexual Harassment constitutes a serious violation of College policy and

procedures. Any person who discloses such confidential information shall be subject to severe disciplinary measures. These sanctions shall be in addition to any civil liability the person making such disclosure may have as a result thereof to the parties, the complainant, and/or the witnesses interviewed during the formal and informal proceedings.

A record of the complaint and all formal and informal proceedings shall be kept for five (5) years in the Office of the President. The record (excluding those cases which were dismissed for lack of cause, or resulted in a finding of no sexual harassment) is to be opened only upon authorization of the Chairperson of the Committee on Sexual Harassment and only if a subsequent allegation of sexual harassment is brought before a committee hearing panel.

In the event that the opening of the record is warranted, the Chairperson of the Committee must give written notice to the person whose record is to be opened, no less than five (5) working days prior to the opening of the record.

The records shall be securely maintained in the Office of the President.

ADOPTED: 08/31/93 The President shall be responsible for the safekeeping, confidentiality, addition, removal or destruction of the records in accordance with this policy. The Secretary to the President shall maintain a confidential log of the cases currently contained in the files. This log shall identify the date the complaint was filed and the names of the

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Complainant and the Respondent. This log shall also be kept confidential.

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NORTHERN MARIANAS COLLEGE
Human Resources Office

March 11, 1999

MEMORANDUM

TO: Barbara Moir, Vice President for Instruction

FROM: Director, Human Resources Office

SUBJECT: EEO Complaint And Grievance

My office has received an EEO complaint dated March 9, 1999 from Dr. Jack Angello against you as Vice President for Instruction on the grounds of gender(sex) and race discrimination. The Board of Regents policies governing grievances of this nature are: HR 4072, Equal Employment Opportunity and HR 4360, Employee Grievances Not Related to Suspension or Termination. These policies are available on the NMC Public Folder for your review.

The President has received another memorandum from Dr. Angello, also on March 9, 1999, entitled: Notification of Grievances. The President has referred this communication to Human Resources for review in accordance with our HR policies. Accordingly, we are requesting for a meeting with the parties on Monday, March 15, 1999 at 8:30 a.m. in the HR Conference Room to validate the issues Dr. Angello has raised as required in our policies. This meeting will be attended by Dr. Angelo, yourself, myself and my deputy.

We are attaching a copy of the communications from Dr. Angelo with this letter for your perusal. By copy of this memorandum, Dr. Jack Angelo is hereby notified of this initial meeting of the parties with HR.

If you have any questions about the above matters, please let me know as soon as possible.


Kohne K. Ramon

cc: Dr. Jack Angelo
President

